

court orders another method of substituted service of citation by publication, service shall be completed as directed by the court.

SECTION 2. Section 231.006(b), Family Code, is amended to read as follows:

(b) A child support obligor or business entity ineligible to receive payments under Subsection (a) remains ineligible until:

- (1) all arrearages have been paid; ~~or~~
- (2) the obligor is in compliance with a written repayment agreement or court order as to any existing delinquency; *or*
- (3) *the court of continuing jurisdiction over the child support order has granted the obligor an exemption from Subsection (a) as part of a court-supervised effort to improve earnings and child support payments.*

SECTION 3. This Act takes effect September 1, 2003, and applies only to a suit affecting the parent-child relationship filed on or after that date. A suit affecting the parent-child relationship filed before the effective date of this Act is governed by the law in effect on the date that the suit was filed, and the former law is continued in effect for that purpose.

Passed by the House on April 24, 2003, by a non-record vote; the House concurred in Senate amendments to H.B. No. 518 on May 31, 2003, by a non-record vote; passed by the Senate, with amendments, on May 28, 2003, by a viva-voce vote.

Approved June 20, 2003.

Effective September 1, 2003.

CHAPTER 1016

H.B. No. 543

AN ACT

relating to certain restrictions on the delivery or installation of a new or used manufactured home in a flood-prone area.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subchapter K, Chapter 1201, Occupations Code, is amended by adding Section 1201.512 to read as follows:

Sec. 1201.512. PROHIBITED DELIVERY OR INSTALLATION OF MANUFACTURED HOME. (a) In this section, "homesite" means the land on which the foundation system for a manufactured home is or will be located.

(b) Unless the retailer, broker, or salesperson complies with the requirements of the National Flood Insurance Act of 1968 (42 U.S.C. Section 4001 et seq.), Subchapter I, Chapter 16, Water Code, and any other applicable local, state, or federal law, and ensures the consumer's compliance with applicable law by requiring the evidence described by Subsection (c), a retailer, broker, or salesperson who sells, exchanges, or lease-purchases a new or used manufactured home to a consumer for use as a permanent dwelling in this state may not:

- (1) deliver or arrange for the delivery of the home to a homesite in a special flood hazard area designated by the director of the Federal Emergency Management Agency;*
- (2) install or arrange for the installation of the home at a homesite in that area; or*
- (3) assist the consumer in the delivery or installation of, or in making arrangements for the delivery or installation of, the home to or at a homesite in that area.*

(c) Before closing on the acquisition of a new or used manufactured home for use as a permanent dwelling in this state, a consumer seeking to acquire the home must provide to the retailer, broker, or salesperson selling, exchanging, or lease-purchasing the home satisfactory evidence that the home will not be located, in a manner that violates local, state, or federal law, on a homesite in a special flood hazard area designated by the director of the Federal Emergency Management Agency. A consumer may satisfy the evidentiary require-

ment of this subsection by providing the retailer, broker, or salesperson, as applicable, with a copy of any required permit to install a septic tank on the homesite.

(d) The following are exempt from the application of this section:

(1) a manufactured home that on August 31, 2003, was inhabited and located on real property zoned before September 1, 2003, by a local political subdivision for the purpose of developing homesites in a special flood hazard area designated by the director of the Federal Emergency Management Agency, if the home will remain on or be relocated to real property zoned as described by this subsection; and

(2) real property zoned before September 1, 2003, by a local political subdivision for the purpose of developing homesites in a special flood hazard area designated by the director of the Federal Emergency Management Agency.

SECTION 2. The change in law made by this Act applies only to the sale, exchange, or lease-purchase of a new or used manufactured home on or after the effective date of this Act.

SECTION 3. This Act takes effect June 1, 2003, if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for effect on June 1, 2003, this Act takes effect September 1, 2003.

Passed by the House on March 31, 2003: Yeas 145, Nays 0, 2 present not voting;
passed by the Senate on May 20, 2003: Yeas 31, Nays 0.

Approved June 20, 2003.

Effective June 20, 2003.

CHAPTER 1017

H.B. No. 547

AN ACT

relating to the distance between certain pits that are part of quarrying operations and adjacent property.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 133.901, Natural Resources Code, is amended to read as follows:

Sec. 133.901. DISTANCE BETWEEN PIT AND PROPERTY LINE. (a) *Except as provided by Subsection (b), at [This section applies only to a county with a population of more than 400,000 and less than 475,000.*

[(b) At] the time quarrying is completed, the distance from the edge of the consolidated material of a pit that does not have lateral support to the property line of the nearest property that is not owned or leased by the operator may not be less than 50 feet.

(b) This section does not apply:

(1) to a pit if the operator and the adjacent property owner agree that the pit may be located closer to the property line;

(2) to an excavation constructed by a political subdivision to provide drainage or stormwater retention; or

(3) to a county with a population of 3.3 million or more.

SECTION 2. The change in law made by this Act applies only to a pit that is active on or after the effective date of this Act. A pit that is inactive on the effective date of this Act and that continuously remains inactive after that date is governed by the law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 3. This Act takes effect September 1, 2003.

Passed by the House on April 24, 2003, by a non-record vote; the House refused to concur in Senate amendments to H.B. No. 547 on May 26, 2003, and requested the appointment of a conference committee to consider the differences between the two